

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRIAN HOLINSWORTH,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-08-634-F
	)	
DAVID PARKER, WARDEN,	)	
	)	
Respondent.	)	

**ORDER**

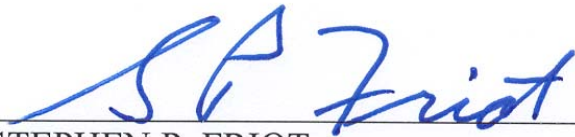
On August 22, 2008, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation, wherein she recommended that respondent's motion to dismiss be granted and petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed with prejudice to refiling. In the Report and Recommendation, Magistrate Judge Couch specifically advised petitioner of his right to file an objection by September 11, 2008 and that failure to make timely objection waives the right to appellate review of the factual and legal issues addressed in the Report and Recommendation.

To date, petitioner has not filed an objection to the Report and Recommendation and has not filed a motion seeking additional time to file an objection. With no objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of United States Magistrate Judge Valerie K. Couch issued on August 22, 2008 (doc. no. 11) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Respondent's Second Motion to Dismiss Petition for Writ of Habeas Corpus, filed July 1, 2008 (doc. no. 9), is **GRANTED**. Petitioner's Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State

Custody, filed June 20, 2008 (doc. no. 1) is **DISMISSED WITH PREJUDICE** to refiling.

DATED September 25, 2008.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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